

STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
STATE PANEL

**Minutes of the State Panel Meeting
Held on December 17, 2013**

I. OPENING OF MEETING 10:30 A.M.—160 N LaSalle Street, S-401, Chicago, Illinois

II. PRESENT

John Hartnett, Chairman of the Board; Paul Besson, Member of the Board; James Brennwald, Member of Board; Michael Coli, Member of the Board; Albert Washington, Member of the Board; Melissa Mlynski, Executive Director; Jerald S. Post, General Counsel; and staff members.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD November 19, 2013

Chairman Hartnett called for approval of the minutes of the November 19, 2013 meeting. Member Washington moved to approve the minutes. Member Coli seconded. The Board passed the motion unanimously, by a voice vote.

IV. ADMINISTRATIVE MATTERS

Chairman Hartnett asked Executive Director Mlynski to present her monthly Executive Director reports. She presented the reports and summarized the highlights. The Board examined the reports and discussed.

V. BOARD ACTIONS

1. Case No. S-RC-11-074

American Federation of State, County and Municipal Employees, Council 31/ State of Illinois, Central Management Services

Chairman Hartnett asked General Counsel Post to call the case. General Counsel Post called the case and then asked Counsel Hamburg-Gal to present. Counsel Hamburg-Gal noted that on January 16, 2013, Administrative Law Judge (ALJ) Sidwell issued a Recommended Decision and Order (RDO) recommending that the petition should be dismissed. After she presented the case, Counsel Hamburg-Gal recommended that the Board affirm the RDO. After discussion, Member Besson moved to affirm the RDO. Member Washington seconded the motion, and the Board passed it unanimously, by a voice vote.

2. Case No. S-RC-11-078

American Federation of State, County and Municipal Employees, Council 31/ State of Illinois, Central Management Services

Chairman Hartnett asked General Counsel Post to call the case. General Counsel Post called the case and then asked Counsel Hamburg-Gal to present. Counsel Hamburg-Gal noted that on February 27, 2013, ALJ Sidwell issued a RDO recommending that the Board find that Jerry Oxley, Peter Muntaner and Torsten Clausen are managerial employees should be excluded from the proposed bargaining unit and that the Board find that Harry Stoller, Joy Nicdao-Cuyugan, and Jim Zolnieriek are public employees and should be added to the unit and to reject the Employer's contentions that any of the petitioned-for employees are supervisory or confidential employees, because they are excluded from certain protections of the Personnel Code, and/or exempt from the Supreme Court's ruling in Rutan. After she presented the case, Counsel Hamburg-Gal recommended that the Board exclude all of these employees as managerial. After discussion, Member Coli moved to affirm Counsel Hamburg-Gal's recommendation. Member Besson seconded the motion, and the Board passed it with member Brennwald dissenting in part.

**3. Case No. S-CB-13-019
City of Elgin/Elgin Association of Fire Fighters, International Association of Firefighters, Local 439**

Chairman Hartnett asked General Counsel Post to call and present the case. General Counsel Post noted that on October 9, 2013, ALJ Sidwell issued a RDO denying a motion to defer to arbitration. After he presented the case, General Counsel Post recommended that the Board affirm the RDO. After discussion, Member Washington moved to affirm the RDO. Member Coli seconded the motion, and the Board passed it unanimously, by a voice vote.

**4. Case No. S-UC-13-037
American Federation of State, County and Municipal Employees, Council 31/Village of Niles**

Chairman Hartnett asked General Counsel Post to call the case. General Counsel Post noted that exceptions were filed to ALJ Kehoe's RDO, but then withdrawn and asked whether the Board wished to review the decision on its own motion. The Board declined to do so.

**5. Case No. S-DE-14-114 (Capital Development Board)
Illinois Department of Central Management Services/American Federation of State, County and Municipal Employees, Council 31**

Chairman Hartnett asked General Counsel Post to call the case. General Counsel Post stated that on December 3, 2013, ALJ Allen issued a RDO finding that designations made on behalf of Department of Central Management Services pursuant to Section 6.1 of the Illinois Public Labor Relations Act, 5 ILCS 315 (2012) (Act), were properly made. After his presentation, General Counsel Post recommended that the Board accept the RDO. After discussion, Member Coli moved to accept the RDO. Member Brennwald seconded the motion, and the Board passed it unanimously, by a voice vote.

VI. OTHER BOARD MATTERS

After a short discussion regarding whether there was a need for executive session, the Board concluded that it was unnecessary at that time.

VII. ADJOURNMENT

Chairman Hartnett called for a motion to adjourn. Member Coli made a motion to adjourn the meeting, and the Board passed it unanimously, by a voice vote.

Adopted and approved by the Chairman and Members of the State Panel of the Illinois Labor Relations Board, in Chicago, Illinois, this 3rd day of January, 2014.